

May 31, 2002

HONORABLE BOARD OF SUPERVISORS
383 Kenneth Hahn Hall of Administration
500 W. Temple Street
Los Angeles, California 90012

Dear Supervisors:

APPOINTMENT OF COMMISSION PRESIDENT
(3 Votes Required) (Affects all Districts)

The Los Angeles County Code, Title 2, Section 2.78.060, states that the Commission on Human Relations "shall elect such officers as it may deem necessary except, that the President of the Commission shall be appointed by the Board, upon nomination by the Commission."

Per the Commission's bylaws, a vote was taken to elect its officers at the Commission's May 20, 2002 meeting. At that meeting, Commissioner Zedar E. Broadous received seven (7) votes, and Commissioner Kathay Feng, received six (6) votes, to be nominated as President of the 2002-2003 term. Therefore, the Commission submits Zedar E. Broadous' name for your consideration.

The Office of the County Counsel has requested that I provide you the following information in this letter:

1. Per the Commission's Bylaws, the Nominating Committee presented its state of nominations for officers of the Commission at the first regular meeting in May of each year. From the floor, Commissioner Broadous was nominated for President. At that meeting, another Commissioner pointed out that Commissioner Broadous' term had expired on February 28, 2000. The Commission has not yet received notice as to either appointment of a successor, or reappointment of Commissioner Broadous. For this reason, on May 14, 2002, the Commission requested advice from County Counsel as to the legality of allowing a commissioner with an expired term to continue serving on the Commission and to hold office.

2. The Office of the County Counsel responded to the question at issue here in a memorandum, quoted in relevant part as follows:

HONORABLE BOARD OF SUPERVISORS

Page 2

May 31, 2002

County Code Section 3.100.060 was added entitling members of a board or commission to exercise the powers and duties of the position until a successor is appointed. The rationale for this section was to ensure that a board or commission would continue to function and not be hampered by the inability of the appointing authority to make a timely appointment....

The rights granted pursuant to County Code Section 3.100.060 do not specifically authorize a holdover appointee to be considered or selected for a commission office. Such an action would be in direct contradiction to the Board's desire to promote efficiency and continuity. Pursuant to the County Code section, a holdover appointee is permitted to continue serving on the Commission until a successor is appointed. As such, a holdover appointee's status must be presumed to be temporary pending appointment by the Board to fill the vacancy. Allowing a holdover appointee to serve as an officer would disrupt the operation of the Commission due to the potential that new officers would have to be selected when permanent appointments are made. For this reason, in our opinion, absent specific authorizing language, holdover appointees may not seek office within the Commission.

Finally, County Counsel cautioned that in confirming Commissioner Broadous, your Board will set the precedent that holdover appointees may hold office within any commission.

3. A copy of County Counsel's response was provided to Commissioners in advance of the election, and summarized both in writing and orally at the meeting. Commissioners decided to allow holdover appointees to run for office. Different reasons were stated, including the view that given the ambiguity of the ordinance on this specific question, it was largely a matter for the Board of Supervisors to decide, since the Board is by ordinance the appointing authority for the Commission President.

If you have any questions or need additional information, I may be contacted at (213) 974-7601. (I have been called to Jury Duty for the week of June 3, 2002..)

Sincerely,

Robin S. Toma
Executive Director

RST:gml

cs: Violet Varona-Lukens, Executive Officer
Lloyd W. Pellman, Esq., County Counsel
David Janssen, Chief Administrative Officer
Susanne Cumming, President